

FILED

FEB 17 2006

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BARRY N. PATTERSON,

Plaintiff - Appellant,

v.

DORA B. SCHRIRO, Director, Director,
sued inher individual & official capacity;
et al.,

Defendant - Appellee.

No. 05-16032

D.C. No. CV-00614-PGR

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
Paul G. Rosenblatt, District Judge, Presiding

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Arizona state prisoner Barry N. Patterson appeals pro se from the district

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

court's judgment dismissing his 42 U.S.C. §1983 action pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order), and we affirm.

The district court properly dismissed Patterson's Fourth Amendment claim because the Fourth Amendment does not protect an inmate from seizure and destruction of personal property. *See Hudson v. Palmer*, 468 U.S. 517, 528 n.8 (1984).

To the extent Patterson asserts a due process claim, it fails because he does not allege that he was deprived of a meaningful grievance procedure, *see id.* at 536 (intentional and negligent deprivations of property do not violate due process rights if the State provides an adequate post-deprivation remedy), or that his deprivations were not justified by legitimate and established prison policies, *see Turner v. Safley*, 482 U.S. 78, 89-90, (1987).

All remaining contentions lack merit.

AFFIRMED